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10 1983

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REMARKS

1 - For your action

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OPTIONAL FORM 41 (Rev. 7-76)
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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

June 10, 1983

DD/A REGISTRY

FILE: 70-4

Mr. Harry E. Fitzwater
Deputy Director for Administration
Central Intelligence Agency
Washington, DC 20505

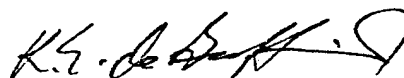
Dear Mr. Fitzwater:

On March 11, 1983, the President signed National Security Decision Directive 84 (NSDD-84), "Safeguarding National Security Information." In April, agencies were instructed to submit draft implementing regulations to me by May 16, 1983. While a number of agencies have complied, others have either not responded or have requested more time. The purpose of this letter is to advise you that your submission must be delivered to me no later than July 1, 1983.

To assist those agencies that are having difficulty producing their draft regulations, I enclose an outline that specifies the regulatory changes required by NSDD-84, and suggested means of compliance. There is no need to await the issuance of nondisclosure agreements or further generalized instruction before proceeding. If you have any questions, please direct them to your agency liaison at the Information Security Oversight Office (ISOO) or to the ISOO Director, Steven Garfinkel, at 535-7251.

Thank you for your cooperation.

Sincerely,



Kenneth E. deGraffenreid
Staff Member

Attachment

OUTLINE OF ACTIONS TO INITIATE REGULATORY CHANGES FOR AGENCY
IMPLEMENTATION OF NATIONAL SECURITY DECISION DIRECTIVE 34 (NSDD-84)

THE FOLLOWING OUTLINE IS STRUCTURED FOR EACH AGENCY OF THE EXECUTIVE BRANCH THAT EMPLOYS PERSONS WHO REQUIRE ACCESS TO CLASSIFIED INFORMATION, TO INCLUDE, WHENEVER REQUIRED BY THE POSITION, ACCESS TO SENSITIVE COMPARTMENTED INFORMATION (SCI). AGENCIES THAT DO NOT HAVE ORIGINAL CLASSIFICATION AUTHORITY OR DO NOT EMPLOY PERSONS WITH ACCESS TO SCI SHOULD DISREGARD INAPPLICABLE SECTIONS.

MAJOR REQUIREMENTS OF NSDD-84

SAMPLE LANGUAGE OR MECHANISM TO IMPLEMENT

I. SECURITY REGULATIONS

- A. Requirement to sign nondisclosure agreement form(s) for access to classified information

Any person whose position requires access to classified information must execute SF (#) (standardized form being developed by the Director, Information Security Oversight Office, ISOO).

[Optional provision that an agency head may choose to require of all persons who have access to classified information: Any person whose position requires access to classified information must also execute SF (#) (standardized form being developed by the Director, ISOO, as a supplement to the standard form noted above, which adds a prepublication review requirement)].

- B. Requirement to sign nondisclosure agreement form for access to SCI

Any person whose position requires access to Sensitive Compartmented Information (SCI) must execute SF (#) (standardized form being developed by the Director, ISOO, will include a provision for prepublication review to assure deletion of SCI and other classified information).

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MAJOR REQUIREMENTS OF NSDD-84

SAMPLE LANGUAGE OR MECHANISM TO IMPLEMENT

1. Establish a Prepublication Review Authority
2. Establish prepublication review procedures

Implementing regulations should describe the composition of a prepublication review authority (individual or board).

The regulations should include:

- (a) procedures for submitting materials for review;
- (b) processing guidelines, including time frames (substantive replies will be required within 30 working days);
- (c) procedures for referrals to other agencies with subject matter authority or interest; and
- (d) provisions for an optional administrative appeal process.

C. Media contacts

The relevant agency regulation should establish procedures to govern contacts between media representatives and agency personnel with access to classified information, in order to minimize the opportunity for the negligent or deliberate unauthorized disclosure of classified information. The specific regulatory means are within an agency head's discretion. Examples might include such procedures as clearing media contacts through a designated office or individual; responding to media inquiries only through a designated office or individual; or requiring the presence of more than one person during briefings or interviews.

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MAJOR REQUIREMENTS OF NSDD-84

D. Procedures for reporting and investigating unauthorized disclosures

SAMPLE LANGUAGE OR MECHANISM TO IMPLEMENT

The regulations should establish internal procedures for responding to suspected or actual unauthorized disclosures of classified information, to include:

- (a) Responsibilities and procedures for reporting unauthorized disclosures;
- (b) procedures for conducting preliminary investigations;
- (c) procedures for reporting unauthorized disclosures to the Department of Justice and the IS00, and;
- (d) procedures to conduct polygraph examinations.

EXAMPLE: The () may require any employee to
agency head
submit to a polygraph examination, when appropriate, in the course of investigations of unauthorized disclosures of classified information. The polygraph examination will be limited to the circumstances of the unauthorized disclosure, and its results will not be relied upon to the exclusion of other information obtained during the investigation. Failure to cooperate with a polygraph examination will subject an employee to administrative sanction.

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MAJOR REQUIREMENTS OF NSDD-84

II. AGENCY STANDARDS OF CONDUCT:

Sanctions and penalties

SAMPLE LANGUAGE OR MECHANISM TO IMPLEMENT

The regulation should include disciplinary actions or penalties that may be imposed upon agency personnel who knowingly, willfully, or negligently disclose classified information to unauthorized persons, or upon personnel who refuse to cooperate with an investigation of an unauthorized disclosure, including a polygraph examination.